

Remarks

The forgoing amendment is made in response to the final rejection dated November 18, 2003 of the forgoing application. In the final rejection, the examiner states that claims 1 through 14 are pending in the application. This is incorrect. In the amendment filed by the applicant on October 9, 2003, the applicant canceled claim 3. Claim 3 was the only claim pending in the application that recited that the "markings on the upper surface of the table include caricature features of animals or the like...". The claim was canceled because of the objections of the examiner that an element of claim 3 was not depicted in the drawings of the application. With the cancellation of claim 3, the applicant submits that it is not necessary to further amend the drawings to depict caricatures of animals on the table because such caricatures are no longer claimed.

The amendment to claim 1 corrects technical defects noted after a review of the claim. The amendments do not broaden the claims in any manner so as to require a further search, and therefore the amendments should be entered by the examiner even if the examiner does not agree with the argument submitted herewith.

The examiner has renewed her rejection of claims 1 and 10 under 35 USC 103(a) as being unpatentable over Walsh in view of Chapman. The examiner has argued that Walsh discloses a casino gaming station above which is suspended a canopy. The examiner further asserts that the canopy disclosed by Walsh could be suspended from the distal end of a crane disclosed by Chapman

to fulfill the requirements of a "pedestal" as set forth in both claims 1 and 10. All the remaining claims of the application are dependent on either claims 1 or 10. Claim 2 is rejected on the combination of Walsh, Chapman, and Wynn. Claims 4, 17, and 12 were rejected under the combination of Walsh, Chapman, and Sines, and claim 5 is rejected under the combination, Walsh, Chapman, and Parra. Claims 6 and 11 are rejected under the combination of Walsh, Chapman, and Jones, and claims 8, 9, 13, 14 are rejected under the combination of Walsh, Chapman, and Breeding. Only the Chapman reference, however, discloses a vertical member which the examiner can point to as remotely resembling a pedestal. The examiner's rejection of the claims, specifically claims 1 and 10, therefore stands or falls on the examiner's argument that Chapman discloses a "pedestal" as claimed.

In his amendment filed October 9, 2003, the applicant submitted several arguments in traverse to the examiner's position that Chapman discloses a "pedestal" which can be combined with the canopy of Walsh to reach the elements of claim 1, or standing alone will reach the elements of claim 10. The applicant hereby submits further argumentation in traverse to the examiner's position.

First, the applicant submits that Chapman fails altogether to disclose a "pedestal." *Webster's New College Edition of the New World Dictionary of the American Language*, copy enclosed, defines the word "pedestal" as being "the foot or bottom support of a column, pillar, vase, lamp, statue, etc.; any foundation, base, support, etc." This definition fits the structure depicted in the

applicant's drawings and is consistent with how the applicant made use of the word "pedestal" in both the specification and claims. The pedestal is a supporting portion of a column. Chapman, on the other hand, discloses a crane. Chapman describes his device as a "camera crane." The applicant has examined the specification of Chapman on a line-by-line basis and cannot find the word "pedestal" anywhere therein, but the word "crane" is mentioned throughout. Not only does Chapman disclose a "crane," it discloses a mobile crane having wheels 24. From a careful reading of the specification of Chapman it is clear that the benefits of the Crane of Chapman are only obtained by mounting it on a vehicle, such as camera dolly 20, as described in the specification thereof. It would be possible, of course, for a skilled craftsman with an acetylene torch to modify the base and vehicle depicted in Chapman so as to more closely resemble a "pedestal," but to do so would reduce the performance of the crane disclosed by Chapman, and would render the vehicle depicted inoperable. Where the rejection of a claim requires the modification of a prior art device into a form which renders it inoperable for its intended purpose, the modifications are not obvious, see In re Gordon 221 USPQ 1125 at 1127. The applicant submits that Chapman does not disclose a pedestal as the examiner asserts, and the steps necessary to convert the vehicle disclosed by Chapman into a pedestal renders it unusable as a vehicle, and therefore Chapman does not disclose a "pedestal" as recited in claims 1 and 10. Furthermore, in accordance with In re Gordon, it is not obvious to convert the vehicle of Chapman into a pedestal as claimed.

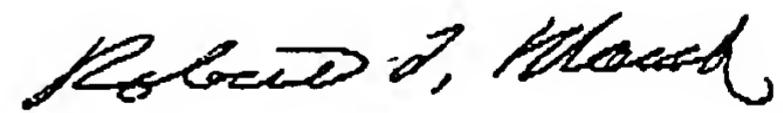
In the applicant's remarks following the amendment filed October 9, 2003, the applicant argued that it was inappropriate for the examiner to combine the crane of Chapman with the canopy of Walsh because there is no suggestion in Walsh of a need for a supporting lighting fixture 22 other than the supporting cables or rods 26 extending from the ceiling 24. There would therefore be no need for one familiar with Walsh to look for a reference similar to Chapman. The applicant cited two well-known cases in support of this argument, namely In re Grabiak 769 F2d 729, 226 USPQ 870 and In re Geiger 815 F2d 668. In response, the examiner stated that she "disagrees as some flaws associated with the Walsh reference have been identified that could be corrected with the Chapman support. For example, the crane system would allow for better positions, the ability to scan, the ability to incorporate a larger camera with more monitoring features, as well as providing more room for the camera to be positioned." The applicant submits that this argument fails to address the requirements of In re Grabiak and In re Geiger that at least one of the references, presumably Walsh, suggests in some form a need for a structure similar to Chapman. The fact that the examiner, using hindsight, has concluded that Walsh has "some flaws associated...that could be corrected with the Chapman support." does not constitute a suggestion in Walsh of a support other than the cables 26 and the ceiling 24. The applicant has made a careful reading of Walsh and states that there is no suggestion in Walsh that it would be desirable to further increase the scanning capabilities of the cameras, to accommodate a larger camera, or a need for more room to position the camera as the examiner

asserts. The applicant further asserts that the examiner cannot imply these suggestions merely because she has thought of them and Walsh has not.

In summary, Chapman fails to disclose a "pedestal." It is also not obvious how one would modify the vehicle of Chapman so as to more closely resemble a "pedestal" as claimed, because the modifications would render the vehicle of Chapman unusable as a vehicle. And, finally, it is inappropriate to combine Walsh with Chapman because there is no suggestion in Walsh of a need for a support for the canopy disclosed therein other than suspending it from a ceiling as depicted.

In view of the forgoing, the applicant submits that the rejection of claims 1 and 10 under 35 USC 103(a) is unfounded and must be withdrawn. Since all the remaining claims of the application are dependent upon claims 1 and 10, and the references cited in rejecting those claims fail to disclose anything resembling a pedestal, none of the combinations of references cited by the examiner can stand to reject the claims of the present application. The claims of the present application are therefore in condition for allowance and favorable reconsideration and allowance is requested.

Respectfully submitted,



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